

# HOUSE BILL No. 1641

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33-8-35.

**Synopsis:** Violent crimes committed at school. Provides that if a violent crime is committed by a student against another student on school grounds or during school activities, including traveling to or from school or an activity, the superintendent of the school corporation shall transfer either the victim or the offender to another school in the school corporation, as requested by the victim's parent.

**Effective:** July 1, 2009.

---

---

**Bell, VanDenburgh, Clere**

---

---

January 16, 2009, read first time and referred to Committee on Education.

---

---

C  
o  
p  
y



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1641

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-33-8-35 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]: **Sec. 35. (a) This section applies to a violent crime that is**  
4 **committed when a victim is:**

5 (1) **on school grounds immediately before or during school**  
6 **hours, or immediately after school hours, or at any other time**  
7 **when the school is being used by a school group;**

8 (2) **off school grounds at a school activity, function, or event;**  
9 **or**

10 (3) **traveling to or from school or a school activity, function,**  
11 **or event.**

12 (b) **As used in this section, "offender" means a student who has**  
13 **been:**

14 (1) **convicted of a violent crime; or**

15 (2) **found to have committed a delinquent act that would be a**  
16 **violent crime if committed by an adult.**

17 (c) **As used in this section, "victim" means a student who suffers**



C  
o  
p  
y

- 1 actual or threatened physical harm as a result of a violent crime.
- 2 (d) As used in this section, "violent crime" means the following:
- 3 (1) A crime under the Indiana Code that is a felony or a Class
- 4 A misdemeanor that results in bodily injury or death to the
- 5 victim but does not include any of the following:
- 6 (A) A crime under IC 9-30-5 resulting from the operation
- 7 of a vehicle other than a motor vehicle.
- 8 (B) Involuntary manslaughter resulting from the operation
- 9 of a motor vehicle by a person who was not intoxicated
- 10 (IC 35-42-1-4).
- 11 (C) Reckless homicide resulting from the operation of a
- 12 motor vehicle by a person who was not intoxicated
- 13 (IC 35-42-1-5).
- 14 (D) Criminal recklessness involving the use of a motor
- 15 vehicle, unless the offense was intentional or the person
- 16 using the motor vehicle was intoxicated (IC 35-42-2-2).
- 17 (2) A delinquent act that would be a crime described under
- 18 subdivision (1) if committed by an adult.
- 19 (e) Whenever a violent crime to which this section applies is
- 20 committed, the superintendent shall:
- 21 (1) notify the victim's parent of the victim's rights under this
- 22 section; and
- 23 (2) as determined by the victim's parent, transfer:
- 24 (A) the victim; or
- 25 (B) the offender, unless the offender has been expelled;
- 26 to another school within the school corporation.

C  
o  
p  
y

